



UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/808,919 Confirmation No: 8077
Applicants : Saurav PAUL, et. al.
Filed : March 24, 2004
Title : BRUSH ELECTRODE AND METHOD FOR ABLATION
TC/A.U. : 3739
Examiner : Peter J. Vrettakos
Docket No. : 82410.0170 / 0B-045301US
Customer No. : 55962

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office communication dated September 15, 2006, requiring restriction, Applicant respectfully disagrees and submits that a *prima facie* case for why it would be burdensome to examine all the claims together has not been made.

The Office action fails to satisfy the requirement for showing a serious burden in examining the claims together. Without a serious burden, the requirement for restriction should be withdrawn. See M.P.E.P. § 803. In this case, any search for the catheters of Group II would, logically, encompass a search of electrodes. Applicants respectfully submit that the Patent Office has not shown why there is a burden in searching all the claims together. Applicants respectfully request reconsideration and withdrawal of the restriction requirement and the election of species requirement.

Although Applicants respectfully disagree with the restriction requirement, in order to advance prosecution of the application, Applicants hereby elect Group I, claims 1, 65-82.

Application No.: 10/808,919

Restriction Requirement dated September 15, 2006

Response to Restriction Requirement dated January 16, 2007

In addition, the Examiner requires election of a single disclosed species for prosecution on the merits. Applicants respectfully disagree with the requirement to elect a single species for prosecution. Nonetheless, in order to advance prosecution on the merits, and without conceding the propriety of the requirement, Applicants hereby elect Species I disclosed in Figure 26 and 27. Of elected claims 1, 65-82, the Examiner has concluded that claims 1 and 65 are generic. Applicants respectfully submit that non-generic claims 66-82 read on the elected species.

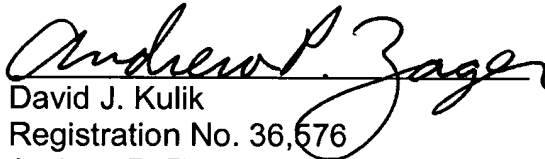
Applicant has fully responded to the requirement for restriction and respectfully requests timely examination and allowance.

Applicant has provided for a three (3) month extension of time on even date. If any additional fees, petitions, or requests for extension of time are required in order to enter or consider this paper, enter or consider any of the claims submitted, enter or consider any paper accompanying this paper, or keep this application or the previous application pending, Applicant hereby requests that the petition or request be granted and Applicant's representative hereby authorizes the Commissioner to charge our Deposit Account No. 50-1129 for any fees.

Respectfully submitted,
Wiley Rein & Fielding LLP

Date: January 16, 2006

By:


David J. Kulik
Registration No. 36,576
Andrew P. Zager
Registration No. 48,058

WILEY REIN & FIELDING LLP
Attention: Patent Administration
1776 K Street, N.W.
Washington, D.C. 20006
Telephone: 202.719.7000
Facsimile: 202.719.7049